cocarmeted, is derived practically all of the water which was used through it from the Big Cattanwood stream. It appears however, from the evidence that the stream known as Little Green river empties into the Big Cottonwood stream above and the near the point where the water is taken from the Big Cuttonwood creek into the Big Cottonwood creek into the Big Cottonwood creek into the Big Cottonwood creek into the Big Cuttonwood creek into the mill race. It also appears from the big Cuttonwood creek into the mill race it also appears from the did water is taken from the Big Cuttonwood creek into the mill race it also appears from the did water, and upon this basis if find the acreage and number of shares in both Little Green river and Spring creek has increased since the time of the canatiration of this mill race, to such an extent that a large part of the water which has been used through this mill race and of the water rights.

Name of Canal.

**Signal Cattanwood stream in the water in the canadas in this desiration are considered as having a greater number of acres than the evidence shows they had at that time, but the excess is computed and added with reference to the character of the soil and the duty of water, and upon this basis if find the acreage and number of shares (satisfied water, and upon this basis of said canals is entitled, to be as follows:

Name of Canal*

Name of Canal*

**Signal Canadas in this devinded with reference to the character of the soil and the duty of water, and upon this basis if find the acreage and number of shares (satisfied water, and upon this basis if find the acreage and number of shares (satisfied water, and upon this basis if find the acreage and number of the soil and the duty of water, and upon this basis if find the acreage and number of the soil and the find the acreage and number of the soil and the find the acreage and number of the soil and the same of the sumber of the same in this devintance is computed and added with reference to the character of the soil

Erect Miller Mill.

Eract Miller Mill.

In the year 1881, a mill known as the Miller mill was erected and a race constructed, which took water from the Big Cottonwood stream, for the purpose of furnishing power for the mill. This mill was located upon or near Spring creek, and the waters from Spring creek were used in counsetion with the waters from Spring creek, and the waters from Spring creek were used in counsetion with the waters from Big Cottonwood creek, for the purpose of furnishing power necessary to run the mill. As the flow in Spring creek were used in counsetion with the waters from the Big Cottonwood creek, until finally the race and the use of water from the Big Cottonwood creek was abandored, and for many years no water has been taken from the Big Cottonwood creek was abandored, and for many years no water has been taken from the Big Cottonwood wateream for this mill. The plaintiff is now the owner of all the water rights which were used in connection with this mill wal least each from With this mill wal least taken from Spring creek, a power plant at the place where this mill was located.

In the year 1800 the defendant, Rudolph Rundson, commonated the construction of a race for the purpose of conducting water taken through it to a plant which he constructed in June, 1906. The plantiff is the owner of one-half of this power plant, which he construction of a race for the purpose of conducting water taken through it to a plant which he constructed in June, 1906. The plantiff is the owner of one-half of this power plant, which he constructed in June, 1906. The glate adult of the defendant can be considered and referred to more in detail in connection with the claims of the defendant of the stream is all be deemed the total incommed on the free defendant can be considered and referred to more in detail in connection with the claims of the stream will be referred to later.

Each of the other defendants claim the right to the use of the waters of Big Cottonwood creek for power, irrigation or continued by manuering taken

will be referred to later.

coltonwood creek for power, irrigation or cillinary purposes, and their several claims will be referred to later.

Shortly prior to the year 1379 controversies arose with reference to the rights of the several water users under the various canals, which had theretofore been constructed, and through which water was being taken from the Big Cottonwood stream for Irrigation purposes, and with a view of settling these controversies an attempt was made to submit the matter to arbitration, and nearly sil of the water users joined in this submission. It appears, however, that neither the owners of the Gordon mill race, or the mill which was supplied with water through it, nor the Millor mill, participated in any way in this attempted arbitration, and there were some of the persons who used water from the stream for irrigation purposes, who did not submit their claims to the board of arbitrators, nor in any way participate in the arbitration. The board of arbitrators who had been selected and who acted, submitted and filed in court a report of their proceedings, and attempted to establish a schedule of division of all of the waters of the Big Cottonwood stream among the parties entitled to the use of the same, and it appears from the evidence that from the time of the filing of that report until the year 1901, persons were selected by the owners of the several canals and ditches, who were designated and called water dividers, and that these water dividers, during the irrigation season of each year, divided the waters under some of the during all, or a greater part of that time, some of the water users under some of the during all, or a greater part of that time, some of the water users under some of the during all, or a greater part of that time, some of the water users under some of the during all, or a greater part of that period, any of the objecting parties made any contention they were entitled to as of right, by reason of an appropriation prior to that of any of the other parties was not an equitable distribution

Arbitration Not Binding.

Arbitration Not Binding.

From all the facts shown by the evidence relating to this attempted arbitration and the conduct of the parties subsequent thereto. I am of the opinion that any superior right that either of the dilches might have had by reason of priority of appropriation, was completely waived and abandoned, so that while I do not regard the proceedings in the attempted arbitration as binding upon any of the parties, yet I think the several rights of the parties using and entitled to the use of water in 1879, should now be determined by the court as though their various rights were initiated at the same time, and in determining the proportion of water flowing in the stream to which the several parties are entitled. I have taken as being the most convenient basis for division, the same method of division, i. e., by dividing the flow of the stream into sixtieths, and regarding one-sixtieth as one share.

I find the irrigation season to be from the first day of April to the first day of October, and I find that during that period of time of each year the several appropriators of water for irrigation purposes are entitled to all the water flowing in the stream at and above the upper intake of the Hill ditch, when the water flowing in the stream at and above the upper intake of the Hill ditch, when the water flowing in the stream at and above said Hill ditch intake, to be divided among the said ditches and canal companies were entitled to water as according to the following schedule. And this schedule is determined by the court from the number of acres for which each of said ditches and canal companies were entitled to water at the time of the attempted arbitration, modified by the character of the land and duty of water as shown by

Name of Canal,	Acres	Shares or Sixtieths
Butler Brown & Sanford Upper Canal Upper Ellison Newman Tanner Green Wälker Farr & Harper Lower Canal Big Hill Bagley & Knudson	500 1480 100 40 1860 742 45 64 816 2400 300	3.6 10.5 .7 .3 13.21 5.3 .32 .5 .5 .7.1

	TOTAL MARKET SECTION AND ADDRESS OF THE PROPERTY OF THE PROPER	Canacity	Shares or
	Name of canal-	ATTA CONTRACTOR	Elder All california
			Sextimitue
	Butler		1.71
	Brown and Sanford .		8.52
	Upper canal		10.28
			30.50
	Upper Ellison		2.09
	Newman	a served	. 69
	Tanner	60	10.22
	Green		4 700
	THE STATE OF THE S	****	3.41/3
	Walker	energy a St.	4 P.A.
	Farr & Harper	4	- 69
	Lower canal		E 3.0
	73504	60	10.00
	Big		10.28
Н	Hill	****** *	1.21
9	Lower Ellison	8	1.37
51	McGhie	1.0	1.71
11			4.11
	Harper & Taylor		
М	Seversen	correct 4	69
	Baglay		552
	Knudson & Bagley		4.2
1	Krudson & Bagiey	unterste for	1.0.1

The quantity of water flowing in the stream shall be determined by measuring tile water flowing into each of the several cansis and ditches, and the aggregate of this measurement shall be deemed the total flow of the stream.

Harper & Taylor Ditch.

Of the water awarded to the Harper & and evaporation in the conduct of such water, which is found by the court to be the loss by sepaga and evaporation in the conduct of such water, which is found by the court to be the loss by sepaga and evaporation in the conduct of such water, which is found by the court to be the loss by sepaga and evaporation in the conduct of such water, which is found by the court to be the loss by sepaga and evaporation in the conduct of such water, which is found by the court to be the loss by sepaga and evaporation in the conduct of such water are entitled to the use of the same in the following proportion:

1 find from the evidence that Richard one-third of such one-fifth.

1 find from the evidence that she period when the water and domestic purposes at his residence and designation of charles the water awarded to the use of the same in the following proportions:

1 find from the evidence that fulls Gundard from the evidence that the claim of charles Heberer, Millered Heberer, fourths, and L. S. Hills, & sixty-fourths; Tourths.

1 find from the evidence that fulls Gundard from the evidence that the claim of charles Heberer, millered Heberer, and the plant of the water from Big Cottonwood stream for culting the water from Big Cottonwood stream for culting the period when the water from Big Cottonwood stream for culting the period when the water from Big Cottonwood stream for culting the period when the water from Big Cottonwood stream for culting the period when the water from Big Cottonwood stream for culting the period when the water from Big Cottonwood stream for culting the period when the water from Big Cottonwood stream for culting the period water from Big Cottonwood stream for culting the period water from Big Cottonwood stream for culting the period water from Big Cottonwood stream for culting the period water from Big Cottonwood stream for culting the period water from Big Cottonwood stream for water from Big Cottonwood stream for water from Big Cotto

such water to be returned to the stream undiminished in quantity and unimpaired in quality.

In the year 1904 the defendant, Salt Lake City, procured options to purchase or exchange other water for the water to which the Lower canal, the Big ditch and the Hill ditch were entitled, and immediately thereafter began the preliminary work of locating and constructing a conduit for the purpose of conveying water to Salt Lake City for the use of the inhabitants thereof. This work continued through the spring and summer of 1905, the conduit being finally located in August, 1905, the contract for its construction being actively commenced in October of that year, and the wark of construction being actively commenced in October of that year, and from that time prosecuted until its completion on February 5, 1907.

On the 27th of June, 1905, pursuant to the options procured by the city in 1904, the city received a formal transfer to it of the rights to the use of water by the owners of the Big ditch, Lower canal and the Hill ditch.

Place of Diversion.

Place of Diversion.

me owners of the Big ditch, Lower canal and above said above said and shove said and above said the fill ditch.

Place of Diversion.

The points at which the water was diverted into the Big ditch, the Lower ditch and agrees for which each of an active to the following schedule. And this schedule is determined by the court from the ditch and agrees for which each of an active ted into the Big ditch, the Lower ditch and agrees for which each of an active ted into the Big ditch, the Lower ditch and agrees for which each of an active ted into the Big ditch, the Lower ditch and agrees for which each of an active ted into the Big ditch, the Lower ditch and agrees for which each of a to water at the time of the attempted arbitration, modified by the character of the land and duty of water as shown by the land and duty of water as shown by the land and duty of water as shown by the land and duty of water as shown by the land and duty of water as shown by the land and duty of water as shown by the land and duty of water as shown by the land and duty of water as shown by the land and duty of water as shown by the character of the land and duty of water as shown by the character of the land and duty of water as shown by the land and duty of water as shown by the land and duty of water as shown by the character of the land and duty of water as shown by the character of the land and duty of water as shown by the character of the land and duty of water as shown by the character of the land and duty of water as shown by the character of the land and duty of water as shown by the character of the land and duty of water as shown by the character of the land and duty of water as shown by the character of the land and duty of water as shown by the character of the land and duty of water as shown by the character of the land and duty of water as shown by the character of the land and duty of water as shown by the character of the land and duty of water as shown by the character of the land and duty of water and water of power plan

water. I am of the opinion that his rights under this appropriation must be deemed to have accrued and become vented at the date upon which he first appears the date upon which he first appears the date upon which he first appears the first appea

with the provisions of sections 1268 and 1269. Revised Statutes.

Antedates Knudson.

The city, having procured the water from the ditch companies, and having surveyed and located this conduit and commenced the active construction of the mane before Mr. Knudson's right accrued or become vested, and an oncide being provided for or permissible by law, of an intention to change the point of diversion of water to which the Big ditch and the Lower canni have hereinbefore been declared to be entitled for the evidence the facts to be that for many years during the irrigation season of each year, except periods of high water, a tight dam has been maintained at the head of the Big ditch, which is located above the point of intake of the Hill ditch, and that the entire quantity of water to which the Hill ditch was shown by the evidence to be entitled around the head of the Big ditch dam. I therefore find that it would be an impossibility for the city to take this water to which the exist more than the Light and Railway company is omtitled to take all of the waters of Big Cotton-wood creek at a point approximately one thousand feet above what is known as "The Stairs," and convey it through its object and find the case.

I find from the evidence that the Utah Light and Railway company is omtitled to take all of the waters of Big Cotton-wood creek at a point approximately one thousand feet above what is known as "The Stairs," and once yit through its object and find the case.

I find from the evidence that the Utah Light and Railway company is omtitled to take all of the waters of Big Cotton-wood creek at a point approximately one thousand feet above what is known as "The Stairs," and once yit through its object and the conduction of diversion by the city and Brown & Sanford ditch, undiminished in quantity and unimpaired in quality.

Meadow Tunnel.

I find from the evidence that Light and from the vidence in a province of impounding and storing surplus waters, to the extent of 20 cubic feet per second and no set and find th

Light and Raliway company is entitled to take all of the waters of Big Cottonwood creek at a point approximately one thousand feet above what is known as "The Stairs," and convey it through its pipes and flumes to its power plant, returning it to the stream above the point of diversion by the city and Brown & Sanford ditch, undiminished in quantity and unimpalred in quality.

Meadow Tunnel.

1 and from the evidence that John Branberg, E. Gustav Branberg and John C. Barnard have developed water by running certain tunnels, known as the Meadow tunnel, the Gustav Adolph tunnel and the Clara N. tunnel, upon mining ground owned by said parties, and that they are entitled to use the water so developed for culinary and domestic purposes, and are entitled to conduct the said water through ditches constructed by them to the Big Cottonwood stream, and commingie the same with the waters at a point lower down upon said stream for the purpose of irrigating 160 acres of land owned by them, deducting, however, 10 per cent of such water, which is found by the court to be the loss by scepage and evaporation in the conduct of such water while in the Big Cottonwood stream, and to make the court of such water, which is found owned by them, deducting, however. To per cent of such water, which is found by the court to be the loss by scepage and evaporation in the conduct of such water while in the Big Cottonwood stream, and to residence that Richard D. Maxfield is existing to the evidence that Richard D. Maxfield is existing to the evidence that Richard D. Maxfield is existing to the evidence that Richard D. Maxfield is existing to the evidence that Richard P. Maxfield is existing to the evidence the bring the feet per second, under cach of said appropriations.

I find from the evidence that Richard D. Maxfield is existing to the evidence and the plaintiff, not a exceed the said quantity of 20 cubic feet per second, under cach of said appropriations.

The Brown & Sanford Irrigation company (through W. B. Albertson), each price the co

The defendant Taylor-Armstrong Lumber company is entitled to take water from the Big Cuttonwood stream for cullnary and domestic purposes, accessary for the conduct of its hotel at Brighton, during the months of May, June, July, August and September of each year, through a

HE SAVES A **POOR NEIGHBOR**

M. J. Phillips is a dealer in school supplies in Muncy Valley, Pa. He has a heart in him big enough for an ox. A member of his family was afflicted with a supposed incurable case of kidney disease. He heard of Fulton's Compound and the usual results are following. The postscript to his third and the state of the properties of the state of th

single of the state of the water awarded to the Epper Ellison ditch is a such water of some such water of so

New Citizens.

The following seven persons were admitted to citizenship Saturday before the United States court: Gottlieb L. Bloesch, Swiss; John Mattson, Charles J. Lindstrom, James Bentson and Ella C. Pearson, Swedish; Daniel Killsness, Norwegian, and Harold F. Ballard, an Englishman.

Eyes Cured



Without the Knife

Grateful Patrons Tell of Almost Miraculous Cures of Cataracts, Granulated Lids, Wild Hairs, Ulcers, Weak, Watery Eyes and All Eye Diseases—Send Your Name and Address With Two-Cent Stamp for Free Trial Bottle.

Your Name and Address With Two-Cent Stamp for Free Trial Bottle.

The cures being made by this magic lotion every day are truly remarkable. I have repeatedly restored to sight persons nearly blind for years.

[Teers, wild hairs, granulated lids disappear almost instantly with the use of this magic remedy. Weak, watery eyes are cleared in a single night and quickly restored to perfect health. It has repeatedly cured where all other remedies and all doctors had failed. It is indeed a magic remedy and I am glad to give this free trial to any sufferer from sore eyes or any eye trouble.

Many have thrown away their glasses after using it a week. Preachers, teachers, doctors, lawyers, engineers, students, dressmakers and all who use their eyes under strain find with this Magic Lotion a safe, sure and quick relief. If you have sore eyes or any eye trouble write me today. I am in earnest in making my offer of a free trial bottle of this lotion. I am glad to fornish proof it many well-proven and authentic cases where it has cured cataract after the doctors said that only a dangerous and expensive operation would save the sight. If you have eye trouble of any kind you will make a serious mistake if you do not send for my great free offer of this Magic Eye Lotion. Address with full description of your trouble and a two-cent stamp, H. T. Schlegel Co., 2647 Home Bank Bidg, Peorla, Ill., and you will receive by return mail, prepaid, a trial bottle of this magic remedy that has restored many almost bitnd to sight.

LIST OF NEW BOOKS FOR FREE PUBLIC LIBRARY

pharmacy of the Northwestern university at Chicago, Ill., with honorable mention and a lifetime membership in the American Pharmaceutical association. Young Peters is a graduate of the '04 class of the Salt Lake High school and was for two years in the employ of the wholesale drug firm of Nelden-Judson company. He is expected to return home today. The following twenty-three volumes will be added to the public library Monday morning, June 8, 1908:

Miscellaneous. Bascom-Philosophy of English Lit Beaumont & Fletcher-Works, 5 vol.

Blinn-Tin, Sheet iron and Copper-nte Worker. Burroughs-Leaf and Tendril. Disraeli—Amenities of Literature.

Mackaye—Scare erow.
Van Norman—Poland.
Williams—With the Border Ruffiana.
Wright—Romance of the World's

Fiction. Barr-Measure of the Ruic.
Bates-Intoxicated Ghost.
Bourget-Weight of the Name.
Doubleday-Hemlock Avenue Mys-

flarker—His First Leave. Hope—Love's Logic. French.

Bazin-Ble qui leve. Bourget—Cruelle enigme. Coulevain—Sur la branche. Ohnet—Coeurs en deuil.

Annual Memorial Service. Annual memorial services will be held by Great Salt Lake camp, Modern Woodmen of America, at the lodge rooms in the Odd Fellows' temple, be-ginning this morning at 10:30 o'clock. ginning this morning at 10:30 o'clock George M. Sollivan will deliver the me morial address.

Compounding Prescriptions --THAT'S OUR

BUSINESS!

We give you just what your Physician prescribes. Let us send for, fill and deliver your prescriptions quickly.

PHONE!

F. J. Hill Drug Co. "The Never-Substitutors."

Otto R. Peters Wins **Honors at College**

OTTO R. PETERS. Word was received in the city Saturday of the success of another Utah boy in an eastern college. Otto R. Peters, 55 West Sixth South street, graduated last week from the school of

Eldredge Gets a Letter.

which is passed up to the reader:
Fish Creek, Montana, May 26, 1908
''To Court house Salt Lake Utah.
2 years ago Louis Jones gave me Ranch
3 miles from Marysvale Utah 129 mile
post, section 36 I bought 36 chickens
there being short of grub went to work.
I like it, this is my pretty southern
hom its all I have Please I want everyloudy keep of it

body keep of it. WTADYSTAW JARECKI,"

SOLILOQUY ON

"They may expatiate upon the soft

radiance of a moonlight evening which

seems to kindle love in the breasts of

young people, but give me the dreary evening when raindrops patter on the

window panes, the grate aglow—for an enjoyable evening with a girl whom I like mighty well—soliloquized the young man. After greetings he handed her a box of McDonald's 400 chocolates

her a box of McDonald's 400 chocolates—a wisely chosen confection, because it is the most tempting made. It is a longheaded young fellow who starts the evening off right. (Let's leave the young couple to their own enjoyment for a couple of hours). Ten o'clock comes. She is serving him with McDonald's cocoa—ah, there's a girl for you!

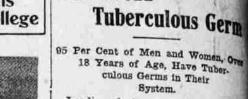
THE YOUNG MAN'S

which is passed up to the reader;

County Clerk Eldredge received the

communication Saturday,

HIS WAY HOME



The Dread

95 Per Cent of Men and Women, Ores 18 Years of Age, Have Tuber. culous Germs in Their System.

Leading doctors and diagnosticians, who have spent many years in study and research, state that 95 per cent of the population over eighteen years of the population over eighteen years of the population over eighteen years of the population over eighteen years.

the population over eighteen years of age have tuberculous germs in some pan of their body.

Many people think of tuberculous as a disease of the lungs only. They do not realize it may occur in any orga or tissue of the body. It is only one form of tuberculosis when it affects the lungs and is then known as pulmonary consumption, but this same tuberculous germ affects the liver, stomach, loint and other parts of the body, and then sands who suffer are told by their decident or lack of circulation, or one of the many well known diseases, when it is nothing else than the insidious working of the tuberculous germ, and the particular of the tuberculous germ, and the particular diseases are told by their decided in the summation of the particular diseases. The tuberculous germ, and the particular diseases are the summany consumption of the part affected.

The enormous percentage of meaning the summany consumption when the lungs an affected.

affected.

The enormous percentage of men and women thus affected shows the importance of taking proper care of the health before this droad tuberculous germ had made an inroad into the system beyon

made an inroad into the system beyond repair.

If these cases were properly diagnosed and Duffy's Pure Malt Whiskey prescribed and taken there would not be so many invalids, cripples and death before middle age is reached. Fifty years of investigation and tests by sminent physicians have proven the Duffy's Pure Malt Whiskey is the greatest germ killer known to science. In the thouands of cases in which it has becaused it has never failed to destroy and drive the tuberculous germ completed out of the system in short time.

The secret of the marvelous secret of Duffy's Pure Malt Whiskey in compand and preventing lung and tubercase and preventing lung and tubercase troubles lies in the fact that it's the greatest strengthener and health believed the ravages of the disease itself, he replaces the weakened, destroyed its sues, helps the stomach to more perfectly digest and assimilate food in other that more, richer and purer blood may come from it, and regulates and govern the heart's action, so that the circulation will be strong and powerful, carring health and vigor to every organ and part of the human body.

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......................

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Honest Work. Honest Prices. Painless Extraction of Teeth or no pay. All Work Positively Guaranteed.

'Phones, Bell 1126-X; Ind. 1128.

YOUR LONG SUIT Or any other suit may get soiled, I then, the REGAL

Main Office, 1st So. and State.

way of cleaning will fix that all right

TOO LATE TO CLASSIFY. Your mirror will tell you Satin skin p der works beautifying wonders, 25c.

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If you are thinking of taking up a course in business college you should visit our school before you decide to en-

SCHOOL ALL SUMMER. DAY AND NIGHT SESSIONS. GET OUR SPECIAL RATES. Call, write or phone for information. Our motto is the best of everything.

Commercial Club Bldg.

222 South West Temple.